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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/032,326

12/31/2001

Yukio Sawajiri

SAWAJIRI=2

4583

1444 7590 11/26/2008  
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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3673

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROWDY AND NEIMARK, PLLC  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

In re Application of	:	
Yukio Sawajiri et al.	:	
Application No. 10/032,326	:	
Filed: December 31, 2001	:	<i>SUA SPONTE</i>
For: STRIKER OF VEHICLE DOOR LATCH	:	RECISSION OF NOTICE
DEVICE AND MANUFACTURING	:	OF ABANDONMENT
METHOD THEREOF	:	

A review of the application reveals that a Decision from the Board of Patent Appeals and Interferences (BPAI) affirming the rejections of claims 1-10 was mailed on August 28, 2008. The Decision indicated that no time period for taking any subsequent action in connection with the appeal may be extended under 37 CFR 1.136(a).

On October 31, 2008, the examiner held the case to be abandoned in light of the BPAI decision and because the period for seeking court review of the decision had expired.

However, on October 28, 2008, appellant filed a Request for Extension of Time under 37 CFR 1.136(b) requesting a one-month extension of time to file a request for rehearing pursuant to 37 CFR 41.52.

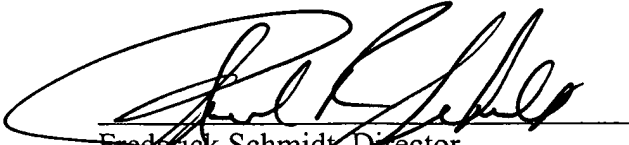
Although the Decision did not indicate that extensions of time may be granted under 37 CFR 1.136(b), MPEP 1214.03 sets forth:

The 2-month period provided by 37 CFR 41.52(a) for filing a request for rehearing can only be extended under the provisions of 37 CFR 1.136(b) or under 37 CFR 1.550(c) if the appeal involves an ex parte reexamination proceeding.

As of October 28, 2008, appellant still had time in which to file for an extension of time under 37 CFR 1.136(b) accompanied by the required fee set forth in 37 CFR 1.17(g).

In view of these facts, the abandonment of the application was clearly premature and is hereby rescinded. The application will revert to pending status and returned to the Board of Patent Appeals and Interferences for a decision on the Request for Extension of Time under 37 CFR 1.136(b).

Inquires related to this decision may be directed to Teri Luu, Quality Assurance Specialist, at (571) 272-7045

A handwritten signature in black ink, appearing to read 'Frederick Schmidt', is written over a horizontal line.

Frederick Schmidt, Director  
Technology Center 3600  
(571) 272-5150

FS/tl: 11/21/08

*TL*